

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH HADDAD,

Plaintiff,

v.

MONUMENTAL LIFE INSURANCE
COMPANY,

Defendant.

Case No.: C-13-01636 YGR (JSC)

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR DEFENDANT TO
PRODUCE DOCUMENTS (Dkt. No. 34)**

Now pending before the Court in this employment discrimination suit is the parties' joint discovery letter regarding Plaintiff's request that Defendant produce, pursuant to the protective order, particular documents in unredacted form. Specifically, the dispute concerns:

Whether Defendant Monumental Life Insurance Company ("MLIC") is required to produce to Plaintiff (subject to the existing protective order, Doc 28) unredacted copies of audit-related documents to show (1) the redacted names, account (insurance and bank) numbers, and addresses of insurance customers that appear in the context of an audit report and supporting documents that MLIC claims were the basis for Plaintiff's termination; and (2) the redacted names of third-party employees who were also disciplined (for different and separate misconduct) as a result of the audit. Defendant has produced documents with this information redacted, and Plaintiff objects to such redactions.

(Dkt. No. 34 at 1.) The Court concludes that Defendant shall produce unredacted copies of the audit-related documents described above, with the exception of the insurance customers' account numbers.

LEGAL STANDARD

"Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party." Fed. R. Civ. P. 26(b)(1). The matter is relevant when it seeks admissible evidence or when the evidence is "reasonably calculated to lead to the discovery of admissible evidence." Fed. R. Civ. P. 26(b)(1). "The scope of discovery under the Federal Rules has been construed broadly to encompass any matter that bears on, or that reasonably could lead to other matters that could bear on, any issue that is or may be in the case." *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978) (internal quotation marks omitted). If a party fails to make disclosures or cooperate in discovery, the discovering party may move for an order compelling discovery. Fed. R. Civ. P. 37(a). The moving party bears the burden of "informing the court of the reasons that any objections are not justified" and why the information sought is relevant to the action. *Oyarzo v. Tuolumne Fire Dist.*, No. 11-01271, 2013 WL 1758798, at *4 (E.D. Cal. Apr. 24, 2013).

When documents are protected by a right to privacy, under both California and federal law, courts apply a balancing test to assess whether the need for the information sought outweighs the privacy right asserted. *Compare Rubin v. Regents of University of California*, 114 F.R.D. 1, 1 (N.D. Cal. 1986) with *Pioneer Electronics (USA) Inc. v. Super. Ct.*, 40 Cal. 4th 360, 371 (Cal. 2007).

DISCUSSION

Defendant objects to Plaintiff's request for the unredacted documents on the ground that such production is unwarranted in light of the third-party customers' and third-party employees' privacy interests. Plaintiff does not dispute that both the customers and employees have a privacy interest in the information sought: for the customers, their personal account information, including their names and account numbers; for the employees, their names and employee numbers in connection with details of their alleged improper conduct. Plaintiff does contend, however, that this information must nevertheless be produced because it is necessary to prosecute his case. With the exception of the customers' account numbers, the Court agrees with Plaintiff.

1 information is already included in the documents, and 2) the third-party employees' names. The
2 insurance customers' account numbers shall remain redacted.

3 IT IS SO ORDERED.

4 Dated: November 22, 2013

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6 JACQUELINE SCOTT CORLEY
7 UNITED STATES MAGISTRATE JUDGE
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